

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~
~~Town~~
~~Village~~

of Clinton

Local Law No. 2 of the year 1998

A local law amending and restating Local Law No. 1 of the year 1991 to amend
(Insert Title)

"Clinton County Ethics and Disclosure Law"

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~
~~Town~~
~~Village~~

of Clinton as follows:

Section 1. Local Law No. 1 of the year 1991 setting forth the "Clinton County Ethics and Disclosure Law," is hereby amended and restated to read as follows:

CLINTON COUNTY ETHICS AND DISCLOSURE LAW

I. PURPOSE

The purpose of this law is to create the Clinton County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizenry of Clinton County are entitled to the expectation and exemplary ethical behavior from their county officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this Law shall be construed within the provisions of General Municipal Law Article 18.

II. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined such for the purpose of the Clinton County Ethics and Disclosure Law:

- (a) "Agency" means any of the divisions of County government, referred to in subdivision (d) of this section, except the Legislature.
- (b) "Appropriate body" pursuant to Article 18 of the General Municipal Law means the Board of Ethics of the County of Clinton.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- (c) "Child" means any son, daughter, step-son or step-daughter of a County Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152 (a) (1) and (2) and any amendments thereto.
- (d) "County" means the County of Clinton or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
- (e) "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer, employee or appointed official, his or her spouse, or child whether as a result of a contract with the County or otherwise. For the purpose of this chapter, a County officer, employee or appointed official shall be deemed to have an interest in the contract of (i) his/her spouse and children, except a contract of employment with the County; (ii) a firm, partnership or association of which such officer, employee or appointed official or his/her spouse or child is a member or employee; (iii) a corporation of which such officer, employee or appointed official, or his/her spouse or child is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by an officer, employee or appointed official, or his/her spouse or child.
- (f) "Legislation" means a matter which appears upon the calendar or agenda of the County Legislature of Clinton County or upon a committee thereof upon which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.
- (g) "Officer" or "employee" means any officer or employee of the County of Clinton and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Clinton, whether paid or unpaid.
- (h) "County elected official" means a County legislator, the County Clerk, the District Attorney, the County Coroner, the County Treasurer or the Sheriff.
- (i) "Appointed official" means any individual who is appointed by the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.
- (j) "Relative" means a spouse or child of a County officer, employee or appointed official.
- (k) "Reporting officer, employee or appointed official" means an officer, employee or appointed official or a candidate for county elected office who is required to complete and file an annual statement of financial disclosure pursuant to Local Law.
- (l) "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this local law unless legally separated from such officer, employee or appointed official.
- (m) "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency as defined at II(3)(a) in which she/he is an officer, employee or appointed official (as defined above at II(1)(g)).
- (n) "Reporting Category" for the purpose of completing the financial disclosure reports, pursuant to Article IV, sections 3, and 4 of this law, means the category of interest, income, value or worth of said reported item. No exact dollar amounts are to be included in the completion of the

statements of financial disclosure, rather all amounts are to be indicated using the following categories:

"A".	\$0 - \$5,000	"D".	\$25,001 - \$50,000
"B".	\$5,001 - \$10,000	"E".	\$50,000 - \$100,000
"C".	\$10,001 - \$25,000	"F".	Over \$100,001

- (o) "Chief Elected Official" means, for the purpose of interpreting this local law only, the Chair of the Clinton County Legislature, or his or her designee.

III. CODE OF ETHICS

A. Prohibited Activities

It is the policy of the County Legislature that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer, employee or their relatives as defined about in II(j) has an interest, direct or indirect, which conflicts with their duty to the County or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. No officer, employee or their relatives shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract in any business or professional dealings with the County of Clinton or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly, any gifts or receive or accept any gift having the value of Seventy-Five (\$75.00) Dollars, or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
4. Disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest.
5. Take action on a matter before the County or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.
6. Present himself/herself in appearance and behavior other than in a professional manner befitting his/her official capacity as an officer or employee of Clinton County.
7. Make use of County supplies, telephone, computers, copiers, vehicles and other equipment for anything other than County business.

8. After termination of services or employment with the County, appear before any board or agency of the County in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

IV. DISCLOSURE OF INTEREST

1. Any officer or their relative who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Legislature of the County of Clinton or by any other official, Board, Agency, officer, or employee of the County of Clinton, and who participates in the discussion before or who gives an opinion or gives advice to any Board, Agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest.
2. Any officer or employee of the County of Clinton, or their relative, who has knowledge of any matter being considered by any Board, Agency, officer or employee of the County of Clinton in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such Board, Agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.

V. FINANCIAL DISCLOSURE

1. Financial disclosure shall be made, as provided for elsewhere in this Law, by the following officers, employees, and other personnel of Clinton County:

Elected Officials:

Legislators
District Attorney
County Clerk

Sheriff
Coroner
County Treasurer

Department Heads:

Election Commissioners
Stop DWI Coordinator
Director of Weights &
Measures II
Director of Veterans
Services
Executive Director of
Youth Bureau
Employment & Training
Director II
Director, Office for
Aging
Superintendent of
Buildings & Grounds

County Attorney
Director of Planning
Director of Data Processing
Personnel Director
Probation Director II
Nursing Home Administrator
Public Health Director
Director of Mental Hygiene Svcs.
Highway Superintendent
County Administrator
Director, Real Property Tax Svcs. II
Airport Manager
Emergency Services Director
Social Services Commissioner

Boards: (All Members)

Community Services Board
Clinton Community College Board of Trustees
Soil and Water Board
Board of Health

Board of Ethics

Others:

Budget Officer	Deputy County Clerk
Deputy County Treasurer	Solid Waste Supervisor
Finance Manager	Recycling Coordinator
Deputy Co. Administrator	Undersheriff
Administrator - Indigent Defendants	
County Purchasing Agent	

Miscellaneous:

Local political party officials as defined in §810(6) of General Municipal Law.

Candidate for local elected official, as defined in §810(2) of Federal Municipal Law (the filing times for such persons to be the times prescribed in §812(1) (a) (iii) (iv) (v) .

Any other office or position in the County of Clinton which the Chief Elected Official deems to fall within the reporting categories prescribed in Article 18 of General Municipal Law.

2. On or before December 31 of each year, each department, division counsel, board, commission and the like shall furnish to the Chief Elected Official a list of the names and business addresses of all persons in such department or other body who the head of such department or other body believes falls within the above categories.
3. On or before January 31 of each year, the Chief Elected Officer shall promulgate a list of the names and addresses of all persons required to provide financial disclosure. Said list shall be discretionary in nature, and shall be formulated pursuant to the provisions of this Law and of Article 8 of General Municipal Law. Such list shall be delivered by him, on or before January 31, to the Board of Ethics.
4. The Annual Statement of Financial Disclosure shall be accomplished by the completion of the Annual Statement of Financial Disclosure attached to this law, which is incorporated herein by reference. This statement shall be completed and filed with the Clinton County Board of Ethics on or before May 15 of each year.
5. A person who is subject to the filing requirements of a law of more than one county may satisfy the requirement by filing only one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
6. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year which would extend filing with the IRS beyond May 15 of that year shall be required to submit notice of said application on or before March 31 of the year in which the employment is in effect. Such person shall file a completed disclosure form, absent only the portions stated within the application for automatic extension, on or before May 15 of the year for which the employment is in effect, and a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under Article VIII of this local

law, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.

7. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1 of the year for which the employment is in effect, and pursuant to Rules and Regulations to be adopted by the Board of Ethics, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request; if granted, the extension shall be to a date fixed by the Board, and the Board shall set a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted.
8. Any person required to file an annual statement of financial disclosure who becomes so required, or becomes a candidate for county elected office, after March 15 of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.

VI. BOARD OF ETHICS

1. Establishment

The Legislature of the County of Clinton, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the Clinton County Board of Ethics, responsible for ensuring full compliance with this Clinton County Ethics and Disclosure Law. The Board of Ethics shall consist of three members, two of whom shall be nominated by the majority party of the Clinton County Legislature and one of whom shall be nominated by the Minority Party of the Clinton County Legislature and, of whom, no more than two shall be of the same enrolled party affiliation. No more than one member shall presently be a county officer or employee, and none shall presently hold elected office. All shall be approved by majority vote of the entire Legislature. Failure to gain approval or in the instance of the creation of a vacancy, such succeeding member shall be determined by the entity through which the original member was selected. Any action of the Board of Ethics requires two affirmative votes.

2. Members

The Members of the Board of Ethics shall serve no more than two full three-year terms.

3. Removal

In addition to penalties defined specifically for violation of the Clinton County Ethics and Disclosure Law, and other pertinent sections of local, state and federal law, members of the Board of Ethics may be removed for cause by the Chairman of the Clinton County Legislature with the concurrence of two-thirds of the County Legislature. Prior to removal, the Board of Ethics member shall be given written notice of the grounds for removal and an opportunity to reply.

4. Powers and Duties:

- a) The Board of Ethics shall possess all powers and duties authorized by Section 808 of General Municipal Law.

- b) The Board of Ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Clinton County Ethics and Disclosure Law including completion and filing by reporting officers, employees and appointed officials of the County of annual statements of financial disclosure required by this Law.
- c) Pursuant to §811(1)(d) of GML, there is conferred upon the Board of Ethics appropriate authority to enforce the filing requirements of this Law, including the authority to promulgate rules and regulations of the same import as those which the temporary state commission on local government ethics enjoys under §813 of GML.
- d) The Board of Ethics shall be the repository for completed annual statements of financial disclosure, pursuant to Section 808(5) of the General Municipal Law and Article V herein, and such other documents as are required by this Law.
- e) The Board of Ethics shall promulgate rules and regulations in furtherance of its powers and duties enumerated herein. Said rules and regulations shall include rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. The rules and regulations promulgated by the Board of Ethics shall be public record.
- f) Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, the Board of Ethics shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense, in any criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.
- g) A. Notwithstanding the provisions of article six of the public officers law, the only records of the Board of Ethics which shall be available for public inspection are:
 - 1. the information set forth in annual statement of financial disclosure filed pursuant to local law, ordinance or filed pursuant to §811 or §812 of this article except the categories of value or amount which shall remain confidential and any other items of information deleted pursuant to paragraph h of subdivision nine of §813 of GML, as made applicable to the Board of Ethics, as the case may be;
 - 2. notices of delinquency sent under subdivision eleven of §813 of GML as made applicable to the Board of Ethics;
 - 3. notices of reasonable cause sent under paragraph b of subdivision twelve of §813 of GML as made applicable to the Board of Ethics; and

4. notices of civil assessments imposed under §813 of GML as made applicable to the Board of Ethics.

B. Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics.

h) The Board of Ethics shall designate an attorney admitted to practice in the State of New York to serve as counsel to the Board of Ethics, which attorney may be, but need not be, the County Attorney.

i) The Board of Ethics shall permit any person required to file a financial disclosure statement to request exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted by the Board of Ethics upon a finding by a majority of the total number of members of the Board of Ethics without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties.

j) The Board of Ethics shall permit any person required to file a disclosure statement to request the Board of Ethics to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board of Ethics upon a finding by a majority of the total number of members of the Board of Ethics without vacancy that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties.

k) The Ethics Board shall be empowered to request support staff assistance from the County Legislature or the Chairman of the Clinton County Legislature in furtherance of its duties and responsibilities.

VII. APPEAL OF DESIGNATION OF POLICY MAKING POSITION

Appeal may be taken by the filing of a written petition in opposition to such designation within thirty (30) days from the date that the designation was filed with the Clinton County Board of Ethics. Upon receipt of the petition, the Board of Ethics shall make a determination upon the merits of the application within thirty (30) days.

VIII. PENALTIES

A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individuals knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed Ten Thousand (\$10,000) Dollars. Assessment of a civil penalty hereunder shall be made by the Clinton County Board of Ethics. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve of section

seventy-three of the Public Officers Law, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Upon an appropriate determination and vote, the Board of Ethics may file a written recommendation with the Chairman of the Clinton County Legislature or other disciplinary body, establishing grounds for removal for cause, in accordance with other provisions of the Clinton County Laws pertaining to officers, officials and employees and rules governing conduct. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article Three of the State Administrative Procedure Act but such mechanism need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Clinton County Board of Ethics pursuant to Article seventy-eight of the Civil Practice Law and Rules.

IX. SEVERABILITY

The various elements of the Clinton County Ethics and Disclosure Law are explicitly intended to be construed within the application of Article 18 of the New York State General Municipal Law. Should any portion of this law be determined to be unconstitutional or illegal, said determination shall have no bearing on the severable remainder of this Law.

Section 2. This Local Law shall become effective upon filing with the Secretary of State of the State of New York.